

FIRST REGULAR SESSION

HOUSE BILL NO. 349

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CRAWFORD, SANDER, JETTON, BARNITZ, CROWELL, TOWNLEY, DETHROW, MUNZLINGER, MILLER, HOBBS, QUINN, PEARCE, DOUGHERTY, MYERS, ROARK, WRIGHT, SELF, BAKER, SMITH (118), BLACK, EMERY, RECTOR, MAY, RUPP, RICHARD, GOODMAN, JACKSON, WILSON (119), CUNNINGHAM (145), MAYER, KINGERY, BEHNEN, COOPER (155), WOOD, VIEBROCK, STEVENSON, WALLACE, SCHLOTTACH, GUEST, TAYLOR, DUSENBERG, ANGST, MORRIS, LEMBKE (85), LIPKE (157), LUETKEMEYER, KING, BEARDEN, MOORE, MERIDETH, BRUNS, KELLY (144), DEEKEN, PARKER, BEAN, DEMPSEY, AVERY, WILSON (130), NIEVES, SHOEMAKER (8), WASSON, THRELKELD, RUESTMAN, DIXON, SAGER, KELLY (36), WHORTON, KUESSNER, WARD, RANSDALL, SELBY, HAMPTON, HENKE, DAVIS (122), SEIGFREID, SALVA, McKENNA, GREEN, HARRIS (110), SHOEMYER (9), BRINGER, WAGNER (Co-sponsors), ICET AND LIESE.

Read 1st time February 3, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1360L.011

AN ACT

To repeal section 571.030, RSMo, and to enact in lieu thereof three new sections relating to concealable weapons, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 571.030, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 50.535, 571.030 and 571.094, to read as follows:

50.535. 1. Notwithstanding the provisions of sections 50.525 to 50.745 the fee collected pursuant to subsection 7 of section 571.090, RSMo, or subsection 13, 14, 20, 21 or 22 of section 571.094, RSMo, shall be deposited by the county treasurer into a separate interest-bearing fund to be known as the county sheriff's revolving fund to be expended at the direction of the sheriff as provided in this section.

2. No prior approval of the expenditures from this fund shall be required by the governing body of the county or city not within a county, nor shall any prior audit or encumbrance of the fund be required before any expenditure is made by the sheriff from this fund. This fund may be audited by the state auditor's office or the appropriate

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is new proposed language.

10 **auditing agency.**

11 **3. If the moneys collected and deposited into this fund are not totally expended**
12 **annually, then the unexpended balance shall remain in said fund and the balance shall be**
13 **kept in said fund to accumulate from year to year.**

14 **4. If pursuant to subsection 11 of this section the sheriff of a county of the first**
15 **classification designates one or more chiefs of police of any town, city, or municipality**
16 **within such county to accept and process applications for concealed carry permits then that**
17 **sheriff shall reimburse such chiefs of police, out of the moneys deposited into this fund, for**
18 **any reasonable expenses related to accepting and processing such applications.**

571.030. 1. A person commits the crime of unlawful use of weapons if he or she
2 knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or
4 any other weapon readily capable of lethal use; or

5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft,
7 or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the
8 assembling of people; or

9 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of
10 lethal use in an angry or threatening manner; or

11 (5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

12 (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,
13 courthouse, or church building; or

14 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or
15 across a public highway or discharges or shoots a firearm into any outbuilding; or

16 (8) Carries a firearm or any other weapon readily capable of lethal use into any church
17 or place where people have assembled for worship, or into any election precinct on any election
18 day, or into any building owned or occupied by any agency of the federal government, state
19 government, or political subdivision thereof[, or into any public assemblage of persons met for
20 any lawful purpose]; or

21 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
22 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any
23 person, or at any other motor vehicle, or at any building or habitable structure, unless the person
24 was lawfully acting in self-defense; or

25 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable
26 of lethal use into any school, onto any school bus, or onto the premises of any function or activity
27 sponsored or sanctioned by school officials or the district school board.

28 2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this section shall
29 not apply to or affect any of the following:

30 (1) All state, county and municipal [law enforcement] **peace** officers possessing the duty
31 and power of arrest for violation of the general criminal laws of the state or for violation of
32 ordinances of counties or municipalities of the state, **whether such officers are within or**
33 **outside their jurisdictions or on or off duty**, or any person summoned by such officers to assist
34 in making arrests or preserving the peace while actually engaged in assisting such officer;

35 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other
36 institutions for the detention of persons accused or convicted of crime;

37 (3) Members of the armed forces or national guard while performing their official duty;

38 (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the
39 judicial power of the state and those persons vested by article III of the Constitution of the United
40 States with the judicial power of the United States, the members of the federal judiciary;

41 (5) Any person whose bona fide duty is to execute process, civil or criminal;

42 (6) Any federal probation officer;

43 (7) Any state probation or parole officer, including supervisors and members of the
44 board of probation and parole; and

45 (8) Any corporate security advisor meeting the definition and fulfilling the requirements
46 of the regulations established by the board of police commissioners under section 84.340, RSMo.

47 3. Subdivisions (1), (5), (8) and (10) of subsection 1 of this section do not apply when
48 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
49 ammunition is not readily accessible or when such weapons are not readily accessible.
50 Subdivision (1) of subsection 1 of this section does not apply **to any person twenty-one years**
51 **of age or older transporting a concealable firearm anywhere in the passenger compartment**
52 **of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor**
53 when the actor is also in possession of an exposed firearm or projectile weapon for the lawful
54 pursuit of game, or is in his **or her** dwelling unit or upon [business] premises over which the
55 actor has possession, authority or control, or is traveling in a continuous journey peaceably
56 through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm
57 is otherwise lawfully possessed by a person while traversing school premises for the purposes
58 of transporting a student to or from school, or possessed by an adult for the purposes of
59 facilitation of a school-sanctioned firearm-related event.

60 4. **Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any**
61 **person who has a valid concealed carry permit issued pursuant to section 571.094 or a valid**
62 **permit to carry concealed firearms issued by another state or political subdivision of**
63 **another state.**

64 **5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section**
65 **shall not apply to persons who are engaged in a lawful act of defense pursuant to section**
66 **563.031, RSMo.**

67 **6.** Nothing in this section shall make it unlawful for a student to actually participate in
68 school-sanctioned gun safety courses, student military or ROTC courses, or other
69 school-sponsored firearm-related events, provided the student does not carry a firearm or other
70 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises
71 of any function or activity sponsored or sanctioned by school officials or the district school
72 board.

73 [5.] **7.** Unlawful use of weapons is a class D felony unless committed pursuant to
74 subdivision [(5),] (6), (7) or (8) of subsection 1 of this section, in which cases it is a class B
75 misdemeanor, or subdivision **(5) or (10)** of subsection 1 of this section, in which case it is a class
76 A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or
77 subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that
78 if the violation of subdivision (9) of subsection 1 of this section results in injury or death to
79 another person, it is a class A felony.

80 [6.] **8.** Violations of subdivision (9) of subsection 1 of this section shall be punished as
81 follows:

82 (1) For the first violation a person shall be sentenced to the maximum authorized term
83 of imprisonment for a class B felony;

84 (2) For any violation by a prior offender as defined in section 558.016, RSMo, a person
85 shall be sentenced to the maximum authorized term of imprisonment for a class B felony without
86 the possibility of parole, probation or conditional release for a term of ten years;

87 (3) For any violation by a persistent offender as defined in section 558.016, RSMo, a
88 person shall be sentenced to the maximum authorized term of imprisonment for a class B felony
89 without the possibility of parole, probation, or conditional release;

90 (4) For any violation which results in injury or death to another person, a person shall
91 be sentenced to an authorized disposition for a class A felony.

92 [7.] **9.** Any person knowingly aiding or abetting any other person in the violation of
93 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that
94 prescribed by this section for violations by other persons.

571.094. 1. All applicants for concealed carry permits must satisfy the
2 **requirements of this section. If the applicant can show qualification as provided by this**
3 **section, the county sheriff shall issue a certificate of qualification for a concealed carry**
4 **permit. Any person who has been issued a concealed carry permit may carry concealed**
5 **firearms on or about his or her person or within a vehicle. Concealed carry permits shall**

6 be valid for a period of three years from the date of issuance or renewal. The concealed
7 carry permit is valid throughout this state.

8 **2. A certificate of qualification for a concealed carry permit shall be issued by the**
9 **sheriff of the county in which the applicant resides, if the applicant:**

10 **(1) Is at least twenty-one years of age, is a citizen of the United States and has**
11 **resided in this state for at least six months;**

12 **(2) Has not pled guilty to or been convicted of a crime punishable by imprisonment**
13 **for a term exceeding one year under the laws of any state or of the United States other than**
14 **a crime classified as a misdemeanor under the laws of any state and punishable by a term**
15 **of imprisonment of two years or less that does not involve an explosive weapon, firearm,**
16 **firearm silencer or gas gun;**

17 **(3) Has not been convicted of, pled guilty to or entered a plea of nolo contendere**
18 **to one or more misdemeanor offenses involving crimes of violence within a five-year period**
19 **immediately preceding application for a concealed weapon license or if the applicant has**
20 **not been convicted of two or more misdemeanor offenses involving driving while under the**
21 **influence of intoxicating liquor or drugs or the possession or abuse of a controlled**
22 **substance within a five-year period immediately preceding application for a concealed**
23 **carry permit;**

24 **(4) Is not a fugitive from justice or currently charged in an information or**
25 **indictment with the commission of a crime punishable by imprisonment for a term**
26 **exceeding one year under the laws of any state of the United States other than a crime**
27 **classified as a misdemeanor under the laws of any state and punishable by a term of**
28 **imprisonment of two years or less that does not involve an explosive weapon, firearm,**
29 **firearm silencer or gas gun;**

30 **(5) Has not been discharged under dishonorable conditions from the United States**
31 **armed forces;**

32 **(6) Is not publicly known to be habitually in an intoxicated or drugged condition;**

33 **(7) Is not adjudged mentally incompetent at the time of application or for five years**
34 **prior to application, or has not been committed to a mental health facility, as defined in**
35 **section 632.005, RSMo, or a similar institution located in another state, except that a**
36 **person whose release or discharge from a facility in this state pursuant to chapter 632,**
37 **RSMo, or a similar discharge from a facility in another state, occurred more than five**
38 **years ago without subsequent recommitment may apply;**

39 **(8) Submits a completed application for a concealed carry permit as defined in**
40 **subsection 3 of this section;**

41 **(9) Submits an affidavit attesting that the applicant complies with the concealed**

42 carry permit safety training requirement pursuant to subsection 21 of this section;

43 (10) Is not the respondent of a valid full order of protection which is still in effect.

44 3. The application for a concealed carry permit shall contain only the following
45 information:

46 (1) The applicant's name, address, telephone number, gender and date and place
47 of birth;

48 (2) An affirmation that the applicant is a resident of the state of Missouri and has
49 been a resident thereof for the last six months and is a citizen of the United States;

50 (3) An affirmation that the applicant is at least twenty-one years of age;

51 (4) An affirmation that the applicant has not pled guilty to or been convicted of a
52 crime punishable by imprisonment for a term exceeding one year under the laws of any
53 state or of the United States other than a crime classified as a misdemeanor under the laws
54 of any state and punishable by a term of imprisonment of two years or less that does not
55 involve an explosive weapon, firearm, firearm silencer, or gas gun;

56 (5) An affirmation that the applicant has not been convicted of, pled guilty to, or
57 entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes
58 of violence within a five-year period immediately preceding application for a concealed
59 carry permit or if the applicant has not been convicted of two or more misdemeanor
60 offenses involving driving while under the influence of intoxicating liquor or drugs or the
61 possession or abuse of a controlled substance within a five-year period immediately
62 preceding application for a concealed carry permit;

63 (6) An affirmation that the applicant is not a fugitive from justice or currently
64 charged in an information or indictment with the commission of a crime punishable by
65 imprisonment for a term exceeding one year under the laws of any state or of the United
66 States other than a crime classified as a misdemeanor under the laws of any state and
67 punishable by a term of imprisonment of two years or less that does not involve an
68 explosive weapon, firearm, firearm silencer or gas gun;

69 (7) An affirmation that the applicant has not been discharged under dishonorable
70 conditions from the United States armed forces;

71 (8) An affirmation that the applicant is not adjudged mentally incompetent at the
72 time of application or for five years prior to application, or has not been committed to a
73 mental health facility, as defined in section 632.005, RSMo, or a similar institution located
74 in another state, except that a person whose release or discharge from a facility in this state
75 pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state,
76 occurred more than five years ago without subsequent recommitment may apply;

77 (9) A statement that the applicant has received firearms safety training that meets

78 the standards of applicant firearms safety training defined in subsection 22 of this section;
79 and

80 (10) An affirmation that the applicant, to the applicant's best knowledge and belief,
81 is not the respondent of a valid full order of protection which is still in effect;

82 (11) A conspicuous warning that false statements made by the applicant will result
83 in prosecution for perjury pursuant to the laws of the state of Missouri.

84 4. Application for a concealed carry permit shall be made to the sheriff of the
85 county in which the applicant resides. An application shall be filed in writing, signed
86 under oath and under the penalties of perjury, and shall state whether the applicant
87 complies with each of the requirements specified in subsection 2 of this section. In addition
88 to the completed application, the applicant for a concealed carry permit must also submit
89 the following:

90 (1) A photocopy of a firearms safety training certificate of completion or other
91 evidence of completion of a firearms safety training course that meets the standards
92 established in subsection 22 of this section; and

93 (2) A nonrefundable permit fee as provided by subsections 9 and 10 of this section.

94 5. Before an application for a concealed carry permit is approved, the sheriff shall
95 make only such inquiries as he or she deems necessary into the accuracy of the statements
96 made in the application. In order to determine the applicant's suitability for a concealed
97 carry permit, the applicant shall be fingerprinted. If no disqualifying record is identified
98 at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation
99 for a national criminal history record check. The sheriff may require that the applicant
100 display a Missouri driver's license or nondriver's license. The sheriff shall request a
101 criminal background check through the appropriate law enforcement agency within three
102 working days after submission of the properly completed application for a concealed carry
103 permit and issue a certificate of qualification for a concealed carry permit in a period not
104 to exceed three working days after receipt of the completed background check. The sheriff
105 shall issue the certificate of qualification within a period not to exceed forty-five calendar
106 days after submission of the properly completed application unless there is just cause not
107 to, such as the federal criminal background check having not been received by the sheriff.
108 In the event that the federal criminal background check has not been received within forty-
109 five calendar days, the sheriff may issue the certificate provided that the sheriff shall
110 revoke any such certificate within twenty-four hours of receipt of any federal background
111 check that results in a disqualifying record.

112 6. The sheriff may refuse to approve an application for a concealed carry permit
113 if he or she determines that any of the requirements specified in subsection 2 of this section

114 have not been met, or if he or she has a substantial and articulable reason to believe that
115 the applicant has rendered a false statement regarding any of the provisions of this section.
116 If the applicant is found to be ineligible, the sheriff is required to deny the application, and
117 notify the applicant in writing, stating the grounds for denial and informing the applicant
118 of the right to submit, within thirty days, any additional documentation relating to the
119 grounds of the denial. Upon receiving any additional documentation, the sheriff shall
120 reconsider his or her decision and inform the applicant within thirty days of the result of
121 the reconsideration. The applicant shall further be informed in writing of the right to
122 appeal the denial pursuant to subsections 28, 29, 30, and 31 of this section.

123 **7. If the application is approved, the sheriff shall issue a certificate of qualification**
124 **for a concealed carry permit to the applicant within a period not to exceed three working**
125 **days after his or her approval of the application. The applicant shall sign the certificate**
126 **of qualification in the presence of the sheriff and shall within seven days of receipt of the**
127 **certificate of qualification take the certificate of qualification to the department of revenue.**
128 **The department of revenue shall within three working days of receipt of the certificate of**
129 **qualification issue a concealed carry permit on the applicant's driver's license or**
130 **nondriver's license or both, as requested by the applicant. The department of revenue**
131 **shall charge the duplicate license fee for issuance of the driver's license or nondriver's**
132 **license on each issuance of a permit including any permit renewal that occurs while the**
133 **driver's license or nondriver's license on which a person's permit to carry may be listed is**
134 **still in effect. In the case of any drivers or nondriver's license renewal that occurs while**
135 **the permit is still in effect, the permit shall be automatically entered on the new license at**
136 **no additional cost.**

137 **8. The concealed carry permit issued pursuant to this section shall bear the date of**
138 **birth and physical description of the applicant, the date of expiration of the permit, and**
139 **the name and address of the person to whom the permit has been issued. The sheriff shall**
140 **keep a record of all applications for concealed carry permits and his or her action thereon.**
141 **The sheriff shall report the issuance of a certification of qualification to the Missouri**
142 **uniform law enforcement system. All information on any such permit that is protected**
143 **information on any drivers or nondriver's license shall have the same personal protection**
144 **for purposes of this section. An applicant's status as a permit holder shall not be public**
145 **information and shall be considered personal protected information. Any person who**
146 **violates the provisions of this subdivision by disclosing protected information shall be**
147 **guilty of a class A misdemeanor.**

148 **9. For processing an application for a concealed carry permit pursuant to this**
149 **section, the sheriff in each county shall charge a nonrefundable fee not to exceed one**

150 **hundred dollars which shall be paid to the treasury of the county to the credit of the**
151 **sheriff's revolving fund.**

152 **10. For processing a renewal for a concealed carry permit pursuant to this section,**
153 **the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which**
154 **shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.**

155 **11. For the purposes of this section, the term sheriff shall include the sheriff of any**
156 **county or city not within a county or his or her designee and in counties of the first**
157 **classification the sheriff may designate the chief of police of any city, town, or municipality**
158 **within such county.**

159 **12. A concealed carry permit issued pursuant to this section shall be suspended or**
160 **revoked if the permit holder becomes ineligible for a permit under the criteria established**
161 **in subdivisions (2), (3), (4), (5), and (7) of subsection 2 of this section or upon the issuance**
162 **of an order of protection. When a valid full order of protection, or any arrest warrant,**
163 **discharge, or commitment for the reasons listed in subdivision (2), (3), (4), (5), (7), or (10)**
164 **of subsection 2 of this section, is issued against a person holding a concealed carry permit**
165 **issued pursuant to this section upon notification of said order, the holder of the permit**
166 **shall surrender the permit to the court, officer, or other official serving the order, warrant,**
167 **discharge, or commitment. The official to whom the permit is surrendered shall forthwith**
168 **transmit the permit to the circuit court of the county issuing the order, warrant, discharge,**
169 **or commitment. The permit shall be suspended until the order is terminated or until the**
170 **arrest results in a dismissal of all charges. Any conviction, discharge, or commitment**
171 **specified in subsection 2 of this section shall result in a revocation. Any sheriff suspending**
172 **or revoking any concealed carry permit shall report the change in status of the permit to**
173 **the Missouri uniform law enforcement system.**

174 **13. A concealed carry permit shall be renewed for a qualified applicant upon**
175 **receipt of the properly completed renewal application and the required renewal fee. The**
176 **renewal application shall contain the same required information as set forth in subsection**
177 **3 of this section, except that in lieu of the firearms safety training, the applicant need only**
178 **display his or her current concealed carry permit.**

179 **14. A person who has been issued a concealed carry permit who fails to file a**
180 **renewal application on or before its expiration date must pay an additional late fee of ten**
181 **dollars per month for each month it is expired for up to six months. After six months any**
182 **permit holder who failed to renew his or her application within the six month period must**
183 **reapply for a new permit and pay the fee for a new application.**

184 **15. Any person issued a concealed carry permit shall notify the department of**
185 **revenue and the sheriffs of both the old and new jurisdictions of the permit holder's change**

186 of residence within thirty days after the changing of a permanent residence. The permit
187 holder shall furnish proof to the department of revenue and the sheriff in the new
188 jurisdiction that the permit holder has changed his or her residence. The change of
189 residence shall be entered by the department of revenue into the Missouri uniform law
190 enforcement system within three days of receipt of the information.

191 **16.** Any person issued a driver's license or nondriver's license with a concealed
192 carry permit shall notify the sheriff of the permit holder's county of residence within seven
193 days after actual knowledge of the loss or destruction of his or her concealed carry permit.
194 The permit holder shall furnish a statement to the sheriff that the permit has been lost or
195 destroyed. After notification of the loss or destruction of a concealed carry permit, the
196 sheriff shall reissue a new certificate of qualification within three working days of being
197 notified by the permit holder of its loss or destruction. The reissued certificate of
198 qualification shall contain the same personal information, including expiration date, as the
199 lost or destroyed permit. The applicant shall then take the certificate to the department
200 of revenue, and the department of revenue shall proceed on the certificate in the same
201 manner as provided in subsection 7 of this section, except that the department of revenue
202 may charge the full renewal fee in lieu of the duplicate fee.

203 **17.** If a person issued a concealed carry permit changes his or her name, the person
204 to whom the permit was issued shall obtain a corrected concealed carry permit with a
205 change of name. The permit holder shall furnish proof of the name change to the
206 department of revenue and the sheriff within thirty days and display his or her current
207 concealed carry permit. Within three working days of being notified by the permit holder
208 of his or her change of name, the department of revenue shall issue a new driver's license
209 or nondriver's license with concealed carry permit with the permit holder's new name and
210 shall take custody of the old permit. The expiration date on the reissued permit shall be
211 the same date as on the surrendered permit. The department of revenue shall charge a
212 duplicate license fee for the new permit, and shall enter the changed name in the Missouri
213 uniform law enforcement system within three days of the reissuance of the permit.

214 **18.** A concealed carry permit shall be automatically invalid after thirty days if the
215 permit holder has changed his or her name or changed his or her residence and not
216 notified the department of revenue and sheriff of a change of name or residence as
217 required in subsections 15 and 17 of this section.

218 **19.** A concealed carry permit issued pursuant to this section or issued by another
219 state or political subdivision of another state shall authorize the person in whose name the
220 permit is issued to carry concealed firearms on or about his or her person or vehicle
221 throughout the state. No concealed carry permit issued pursuant to this section or issued

222 by another state or political subdivision of another state shall authorize any person to carry
223 concealed firearms into:

224 (1) Any police, sheriff, or highway patrol office or station without the consent of
225 the chief law enforcement officer in charge of that office or station. Possession of a firearm
226 in a vehicle on the premises of the office or station shall not be a criminal offense so long
227 as the firearm is not removed from the vehicle or brandished while the vehicle is on the
228 premises;

229 (2) Any polling place on any election day. Possession of a firearm in a vehicle on
230 the premises of the polling place shall not be a criminal offense so long as the firearm is not
231 removed from the vehicle or brandished while the vehicle is on the premises;

232 (3) The facility of any adult or juvenile detention or correctional institution, prison
233 or jail. Possession of a firearm in a vehicle on the premises of a correctional institution,
234 prison or jail shall not be a criminal offense so long as the firearm is not removed from the
235 vehicle or brandished while the vehicle is on the premises;

236 (4) Any courthouse, solely occupied by the circuit, appellate, or supreme court or
237 a courtroom of any of those courts, or court proceeding, except that nothing in this
238 subdivision shall preclude a judge or other officer of the court, holding a valid concealed
239 carry permit, from carrying a concealed firearm within a courthouse. Possession of a
240 firearm in a vehicle on the premises of the courthouse shall not be a criminal offense so
241 long as the firearm is not removed from the vehicle or brandished while the vehicle is on
242 the premises;

243 (5) Any meeting of the governing body of a unit of local government; or any
244 meeting of the general assembly or a committee of the general assembly, except that
245 nothing in this subdivision shall preclude a member of the body, holding a valid concealed
246 carry permit from carrying a concealed firearm at a meeting of the body which he or she
247 is a member;

248 (6) The general assembly, county, or municipality may by statute, administrative
249 regulation, or ordinance, prohibit or limit the carrying of concealed firearms by permit
250 holders in that portion of a building owned, leased or controlled by that unit of
251 government. Any portion of a building in which the carrying of concealed firearms is
252 prohibited or limited shall be clearly identified by signs posted at the entrance to the
253 restricted area. The statute or ordinance shall exempt any building used for public
254 housing by private persons, highways or rest areas, firing ranges, and private dwellings
255 owned, leased, or controlled by that unit of government from any restriction on the
256 carrying or possession of a firearm. The statute or ordinance shall not specify any criminal
257 penalty for its violation but may specify that persons violating the statute or ordinance may

258 be denied entrance to the building, ordered to leave the building and if employees of the
259 unit of government, be subjected to disciplinary measures for violation of the provisions
260 of the statute or ordinance. The provisions of this subdivision shall not apply to any other
261 unit of government;

262 (7) Any portion of an establishment licensed to dispense beer or alcoholic beverages
263 for consumption on the premises, which portion of the establishment is primarily devoted
264 to that purpose without the consent of the owner or manager. This subdivision of the
265 subsection does not apply to any bona fide restaurant open to the general public having
266 dining facilities for not less than fifty persons and that receives at least fifty-one percent
267 of its gross annual income from the dining facilities by the sale of food. This subdivision
268 does not prohibit the possession of a firearm in a vehicle on the premises of the
269 establishment and shall not be a criminal offense so long as the firearm is not removed
270 from the vehicle or brandished while the vehicle is on the premises. Nothing in this
271 subdivision authorizes any individual who has been issued a concealed carry permit to
272 possess any firearm while intoxicated;

273 (8) Any area of an airport to which access is controlled by the inspection of persons
274 and property;

275 (9) Any place where the carrying of a firearm is prohibited by federal law;

276 (10) Any elementary or secondary school facility without the consent of a school
277 official or the district school board. Possession of a firearm in a vehicle on the premises of
278 any elementary or secondary school facility shall not be a criminal offense so long as the
279 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

280 (11) Any portion of a building used as a child care facility without the consent of
281 the manager. Nothing in this subdivision shall prevent the operator of a child care facility
282 in a family home from owning or possessing a firearm or permit;

283 (12) Any riverboat gambling operation accessible by the public without the consent
284 of the owner or manager pursuant to rules promulgated by the gaming commission.
285 Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall
286 not be a criminal offense so long as the firearm is not removed from the vehicle or
287 brandished while the vehicle is on the premises;

288 (13) Any gated area of an amusement park;

289 (14) Any church or other place of religious worship without the consent of the
290 minister or person or persons representing the religious organization that exercises control
291 over the place of religious worship. Possession of a firearm in a vehicle on the premises
292 shall not be a criminal offense so long as the firearm is not removed from the vehicle or
293 brandished while the vehicle is on the premises;

294 **(15) Any private property whose owner has posted the premises as being off-limits**
295 **to concealed firearms by means of one or more signs displayed in a conspicuous place of**
296 **a minimum size of eleven inches by fourteen inches with the writing thereon in letters of**
297 **not less than one inch. The owner, business or commercial lessee, manager of a private**
298 **business enterprise, or any other organization, entity, or person may prohibit persons**
299 **holding a concealed carry permit from carrying concealed firearms on the premises and**
300 **may prohibit employees, not authorized by the employer, holding a concealed carry permit**
301 **from carrying concealed firearms on the property of the employer. If the building or the**
302 **premises are open to the public, the employer of the business enterprise shall post signs on**
303 **or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm**
304 **in a vehicle on the premises shall not be a criminal offense so long as the firearm is not**
305 **removed from the vehicle or brandished while the vehicle is on the premises. An employer**
306 **may prohibit employees or other persons holding a concealed carry permit from carrying**
307 **a concealed firearm in vehicles owned by the employer;**

308 **(16) Any sports arena or stadium with a seating capacity of five thousand or more;**

309 **(17) Any hospital accessible by the public. Possession of a firearm in a vehicle on**
310 **the premises of a hospital shall not be a criminal offense so long as the firearm is not**
311 **removed from the vehicle or brandished while the vehicle is on the premises.**

312 **20. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17)**
313 **of subsection 19 of this section by a permit holder shall not be a criminal act but may**
314 **subject the person to denial to the premises or removal from the premises. If the permit**
315 **holder refuses to leave the premises and a peace officer is summoned, the permit holder**
316 **may be issued a citation for an amount not to exceed one hundred dollars for the first**
317 **offense. If a second citation for a similar violation occurs within a six-month period, the**
318 **permit holder shall be fined an amount not to exceed two hundred dollars and his or her**
319 **permit to carry concealed firearms shall be suspended for a period of one year. If a third**
320 **citation for a similar violation is issued the permit holder shall be fined an amount not to**
321 **exceed five hundred dollars and shall have his or her permit revoked for a period of three**
322 **years.**

323 **21. An applicant for a concealed carry permit shall demonstrate knowledge of**
324 **firearms safety training. This requirement shall be fully satisfied if the applicant for a**
325 **concealed carry permit:**

326 **(1) Submits a photocopy of a certificate of firearms safety training course**
327 **completion, as defined in subsection 22 of this section, signed by a qualified firearms safety**
328 **instructor as defined in subsection 25 of this section; or**

329 **(2) Submits a photocopy of a certificate that shows the applicant completed a**

330 firearms safety course given by or under the supervision of any state, county, municipal
331 or federal law enforcement agency; or

332 (3) Is a qualified firearms safety instructor as defined in subsection 25 of this
333 section.

334 22. A certificate of firearms safety training course completion may be issued to any
335 applicant by any qualified firearms safety instructor. On the certificate of course
336 completion the qualified firearms safety instructor shall affirm that the applicant for a
337 concealed carry permit has taken and passed an eight-hour firearms safety course taught
338 by the instructor that included:

339 (1) Handgun safety in the classroom, at home, on the firing range and while
340 carrying the firearm;

341 (2) A physical demonstration performed by the applicant that demonstrated his or
342 her ability to safely load and unload a revolver and a semiautomatic pistol and
343 demonstrated his or her marksmanship with both a cylinder loaded and clip loaded
344 firearm;

345 (3) The basic principles of marksmanship;

346 (4) Care and cleaning of concealable firearms;

347 (5) Safe storage of firearms at home;

348 (6) The requirements for obtaining a concealed carry permit in this state;

349 (7) The laws relating to firearms as prescribed in this chapter;

350 (8) The laws relating to the justifiable use of force as prescribed in chapter 563,
351 RSMo;

352 (9) A live firing exercise of sufficient duration for each applicant to fire a handgun,
353 from a standing position or its equivalent, a minimum of fifty rounds at a distance of seven
354 yards, and twenty-five rounds at a distance of fifteen yards, from a B-27 silhouette target
355 or an equivalent target;

356 (10) A live fire test administered to the applicant while the instructor was present
357 of twenty rounds from a standing position or its equivalent at a distance from a B-27
358 silhouette target, or an equivalent target, of seven yards.

359 23. A qualified firearms safety instructor shall not give a grade of "passing" to an
360 applicant for a concealed carry permit who:

361 (1) Does not follow the orders of the qualified firearms instructor or cognizant
362 range officer; or

363 (2) Handles a firearm in a manner that, in the judgement of the qualified firearm
364 safety instructor, poses a danger to the applicant or to others; or

365 (3) During the live fire testing portion of the course fails to hit the silhouette portion

366 of the targets with at least fifteen rounds.

367 **24. Qualified firearms safety instructors who provide firearms safety instruction**
368 **to any person who applies for a concealed carry permit shall:**

369 **(1) Make the applicant's course records available upon request to the sheriff of the**
370 **county in which the applicant resides;**

371 **(2) Maintain all course records on students for a period of no less than four years**
372 **from course completion date; and**

373 **(3) Not have more than forty students in the classroom portion of the course or**
374 **more than five students per range officer engaged in range firing.**

375 **25. A firearms safety instructor shall be considered to be a qualified firearms safety**
376 **instructor by any sheriff issuing a certificate of qualification for a concealed carry permit**
377 **pursuant to this section if the instructor:**

378 **(1) Is a valid firearms safety instructor certified by the National Rifle Association**
379 **holding a rating as a personal protection instructor or pistol marksmanship instructor; or**

380 **(2) Submits a photocopy of a certificate from a firearms safety instructor's course**
381 **offered by a local, state, or federal governmental agency; or**

382 **(3) Submits a photocopy of a certificate from a firearms safety instructor course**
383 **approved by the department of public safety; or**

384 **(4) Has successfully completed a firearms safety instructor course given by or**
385 **under the supervision of any state, county, municipal or federal law enforcement agency;**
386 **or**

387 **(5) Is a certified police officer firearms safety instructor.**

388 **26. Any firearms safety instructor who knowingly provides any sheriff with false**
389 **information concerning an applicant's performance on the live fire exercise or test**
390 **administered to the applicant by the instructor pursuant to subdivision (9) or (10) of**
391 **subsection 22 of this section shall be guilty of a class C misdemeanor.**

392 **27. In any case when the sheriff refuses to issue a certificate of qualification or to**
393 **act on an application for a concealed carry permit, the denied applicant shall have the right**
394 **to appeal the denial within thirty days of receiving written notice of the denial. Such**
395 **appeals shall be heard in small claims court as defined in section 482.300, RSMo, and the**
396 **provisions of sections 482.300, 482.310 and 482.335, RSMo, shall apply to such appeals.**

397 **28. A denial of or refusal to act on an application for permit may be appealed by**
398 **filing with the clerk of the small claims court a copy of the sheriff's written refusal and a**
399 **form substantially similar to the appeal form provided in this section. Appeal forms shall**
400 **be provided by the clerk of the small claims court free of charge to any person:**

401

SMALL CLAIMS COURT

402

403 **In the Circuit Court of..... Missouri**

404

405 **Case Number.....**

406

407, **Denied Applicant**

408)

409)

410 **vs.**)

411)

412)

413, **Sheriff**

414

415 **Return Date**

416

DENIAL OF PERMIT APPEAL

417

419 **The denied applicant states that his or her properly completed application for a concealed**
420 **carry permit was denied by the sheriff of County, Missouri, without just cause. The**
421 **denied applicant affirms that all of the statements in the application are true.**

422

423, **Denied Applicant**

424 **29. The notice of appeal in a denial of permit appeal shall be made to the sheriff in**
425 **a manner and form determined by the small claims court judge.**

426 **30. If at the hearing the person shows he or she is entitled to the requested**
427 **concealed carry permit, the court shall issue an appropriate order to cause the issuance of**
428 **the certificate of qualification for a concealed carry permit. Costs shall not be assessed**
429 **against the sheriff unless the action of the sheriff is determined by the judge to be arbitrary**
430 **and capricious.**

431 **31. Any person aggrieved by any final judgment rendered by a small claims court**
432 **in a denial of permit appeal may have a right to trial de novo as provided in sections**
433 **512.180 to 512.320, RSMo.**

434 **32. Any person who has knowledge that another person, who was issued a**
435 **concealed carry permit pursuant to this section, never was or no longer is eligible for such**
436 **permit under the criteria established in this section, may file a petition with the clerk of the**
437 **small claims court to revoke that person's concealed carry permit. The petition shall be**

438 in a form substantially similar to the petition for revocation of concealed carry permit
439 provided in this section. Appeal forms shall be provided by the clerk of the small claims
440 court free of charge to any person:

441

442 **SMALL CLAIMS COURT**

443

444 **In the Circuit Court of Missouri**

445

446 **Case Number**

447

448, **PLAINTIFF**

449

450)

451

452)

453

454 **vs.**

455)

456

457)

458

459)

460

461, **DEFENDANT, Carry Permit Holder**

462

463, **DEFENDANT, Sheriff**

464

465 **PETITION FOR REVOCATION OF CONCEALED CARRY PERMIT**

466

467 **Plaintiff states to the court that the defendant,,**

468

469 **has a concealed carry permit issued pursuant to section 571.094, RSMo, and that the**

470

471 **defendant's permit should now be revoked because the defendant either never was or no**

472

473 **longer is eligible for such a permit pursuant to the provisions of section 571.094, RSMo,**

474

475 **specifically plaintiff states that defendant,, never was or no longer is eligible for**

476

477 **such permit for one or more of the following reasons:**

478

479 **(CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)**

480

481 **Defendant is not at least twenty-one years of age.**

482

483 **Defendant is not a citizen of the United States.**

484

478 **Defendant had not resided in this state for at least six months prior to issuance of the**
479 **permit.**

480

481 **Defendant has pled guilty to or been convicted of a crime punishable by imprisonment**
482 **for a term exceeding one year under the laws of any state or of the United States other than**
483 **a crime classified as a misdemeanor under the laws of any state and punishable by a term**
484 **of imprisonment of two years or less that does not involve an explosive weapon, firearm,**
485 **firearm silencer or gas gun.**

486

487 **Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to**
488 **one or more misdemeanor offenses involving crimes of violence within a five-year period**
489 **immediately preceding application for a concealed carry permit or if the applicant has**
490 **been convicted of two or more misdemeanor offenses involving driving while under the**
491 **influence of intoxicating liquor or drugs or the possession or abuse of a controlled**
492 **substance within a five-year period immediately preceding application for a concealed**
493 **carry permit.**

494

495 **Defendant is a fugitive from justice or currently charged in an information or indictment**
496 **with the commission of a crime punishable by imprisonment for a term exceeding one year**
497 **under the laws of any state of the United States other than a crime classified as a**
498 **misdemeanor under the laws of any state and punishable by a term of imprisonment of two**
499 **years or less that does not involve an explosive weapon, firearm, firearm silencer or gas**
500 **gun.**

501

502 **Defendant has been discharged under dishonorable conditions from the United States**
503 **armed forces.**

504

505 **Defendant is publically known to be habitually in an intoxicated or drugged condition.**

506

507 **Defendant is adjudged mentally incompetent at the time of application or for five years**
508 **prior to application, or has been committed to a mental health facility, as defined in section**
509 **632.005, RSMo, or a similar institution located in another state, except that a person whose**
510 **release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a**
511 **similar discharge from a facility in another state, occurred more than five years ago**
512 **without subsequent recommitment may apply.**

513

514 Defendant failed to submit a completed application for a concealed carry permit as
515 defined in subsection 3 of section 571.094, RSMo.

516

517 Defendant failed to submit to or failed to clear the required background check.

518

519 Defendant failed to submit an affidavit attesting that the applicant complies with the
520 concealed carry permit safety training requirement pursuant to subsection 26 of section
521 571.094, RSMo.

522

523 The plaintiff subject to penalty for perjury states that the information contained in this
524 petition is true and correct to the best of the plaintiff's knowledge, is reasonably based
525 upon the petitioner's personal knowledge and is not primarily intended to harass the
526 defendant/respondent named herein.

527

528 PLAINTIFF

529 **33. If at the hearing the plaintiff shows that the defendant was not eligible for the**
530 **permit at the time of issuance or renewal or is no longer eligible for a permit pursuant to**
531 **the provisions of this section, the court shall issue an appropriate order to cause the**
532 **revocation of the permit. Costs shall not be assessed against the sheriff.**

533 **34. The finder of fact, in any action brought against a permit holder pursuant to**
534 **subsection 32 of this section, shall make findings of fact and the court shall make**
535 **conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in**
536 **such an action acted without justification or with malice or primarily with an intent to**
537 **harass the permit holder or that there was no reasonable basis to bring the action, the**
538 **court shall order the plaintiff to pay the defendant/respondent all reasonable costs**
539 **incurred in defending the action including, but not limited to, attorney's fees, deposition**
540 **costs, and lost wages. Once the court determines that the plaintiff is liable to the**
541 **defendant/respondent for costs and fees, the extent and type of fees and costs to be**
542 **awarded should be liberally calculated in defendant/respondent's favor. Notwithstanding**
543 **any other provision of law, reasonable attorney's fees shall be presumed to be at least one**
544 **hundred fifty dollars per hour.**

545 **35. Any person aggrieved by any final judgment rendered by a small claims court**
546 **in a petition for revocation of concealed carry permit may have a right to trial de novo as**
547 **provided in sections 512.180 to 512.320, RSMo.**

548 **36. The office of the county sheriff or any employee or agent of the county sheriff**
549 **shall not be liable for damages in any civil action arising from alleged wrongful or**

550 **improper granting, renewing, or failure to revoke permits issued pursuant to this section.**
551 **37. Any person issued a permit pursuant to this section shall carry the permit at all**
552 **times the person is carrying a concealed firearm and shall display the permit upon the**
553 **request of any peace officer. Failure to comply with this subsection shall not be a criminal**
554 **offense but the permit holder may be issued a citation for an amount not to exceed thirty-**
555 **five dollars.**